

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13344, of Claude Moore, pursuant to Sub-section 8207.2 and Paragraph 4101.44 to use all floors of the subject premises as professional offices and/or offices of non-profit organizations and for a variance from the off-street parking space requirements (Sub-section 7202.1) in an SP-1 District at the premises 1420 - 16th Street, N.W., (Square 181, Lot 822).

HEARING DATE: September 24, 1980

DECISION DATE: October 1, 1980

FINDINGS OF FACT:

1. The subject property is located in an SP-1 District on the west side of 16th Street between P and O Streets, N.W.
2. The subject lot is thirty-eight feet wide and 125 feet deep. The area of the lot is approximately 4,756 square feet. The lot is bordered by a public alley at the rear having access to P and O Streets.
3. The property is improved with a four story brick structure. The structure shares a common division wall with the adjoining building to the north. It has a side yard of approximately six feet on its south side. There is a two car garage located in the rear yard.
4. The building has a long history of non-residential use, going back to 1939. The building has been used as offices for the Free French during World War II, as well as by offices of national sororities. It has also been used as a private club. The last recorded Certificate of Occupancy, No. B-116475, was issued on September 21, 1979 for a private club on all floors.
5. The applicant proposes to rent the building to a developer, who proposes to use all floors of the subject building as professional offices or offices of a non-profit organization or trade association.

6. The building has approximately 2,500 square feet of gross floor area per floor, for a total of approximately 10,000 square feet in the building. The developer hopes to sublease the entire building to a single tenant. If that is not possible, the building will be leased in sections to various permitted SP type office uses. The amount of office space is within the floor area ratio limitation of the SP-1 District.

7. To the north of the subject site, along a common division wall, is a seven story office building called the Embassy. Further north across P Street is the Foundry Methodist Church. Across 16th Street to the east is the Carnegie Institute of Washington. Immediately adjacent to the south is the office building of the National Wildlife Federation. Across the alley to the west is a parking lot for and the building of the American Trucking Association. There are also residential uses in the vicinity of the site.

8. The developer will renovate the interior of the building, while preserving the exterior appearance of the building. The building is lower in height than the adjoining building to the north and higher than the building to the south. The building is a structure similar in design and appearance to many existing buildings in the area.

9. Pursuant to the requirements of Sub-section 7202.1 of the Zoning Regulations, the applicant is required to provide four off-street parking spaces. As advertised, the application requested a variance from that provision.

10. There are two existing parking spaces in the garage at the rear of the property. These spaces are nine feet, eight inches wide by nineteen feet long, and meet the requirements of the Zoning Regulations. The developer further proposes to tear down an existing brick wall at the rear of the lot to the north of the garage. This would allow two open parking spaces to be provided adjacent to the garage. These spaces would be nineteen feet deep, but would each be only eight feet, four inches wide. Sub-section 7204.1 provides that required parking spaces must be at least nine feet wide. In order to count these two proposed open spaces as meeting the requirements of the Regulations, the applicant must receive a variance from Sub-section 7204.1.

11. The site is well served by mass transit, including bus lines on both 16th and P Streets, and subway service at Dupont Circle. There are metered parking spaces in front of the building and other off-street parking lots in the area.

12. The Office of Planning and Development, by memorandum dated September 5, 1980, and by testimony at the hearing, recommended that the application be granted. The OPD was of the opinion that the proposed use, height, bulk and design of the structure are in harmony with the existing uses and structures or neighboring properties. The OPD was further of the view that the applicant's proposed on-site parking arrangement will not create any objectionable traffic or adverse conditions. The Board agrees.

13. Advisory Neighborhood Commission - 2B, by letter dated September 24, 1980, opposed the application. The ANC was concerned primarily with the number of parking spaces that the applicant would provide. The ANC stated that it did not believe that the proper size and number of parking spaces could be provided. The ANC further alleged that there was no basis for the granting of a variance.

14. The Dupont Circle Citizens Association opposed the application, citing the decline in population in the area, and suggesting that the building could be used for housing.

15. As to the issues raised in opposition to the application, the Board finds that the applicant can provide four on-site parking spaces, the number of spaces required by the Regulations for this use. Two of those spaces are eight inches narrower than required, and would require a variance only from the size of the required space. The spaces would still be wide enough to accommodate standard sized automobiles. As to the residential use issue, the applicant is seeking a special exception and not a use variance. He is not required to show proof that the building cannot be used for residential purposes. The Board further notes that the particular building has not served as a residence for over forty years.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact, and the evidence of record, the Board concludes that the applicant is seeking a special exception and a variance.

In order to be granted such an exception, the applicant must demonstrate that he has complied with the requirements of Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The use, height, bulk and design are in harmony with existing uses and buildings or neighboring properties. There will be no adverse traffic conditions or other objectionable effects. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps.

As to the variance, the Board concludes that the only needed variance is from Sub-section 7204.1, regarding the size of a parking space. Such a variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the presence and location of the existing garage constitutes such a condition, and that to require the applicant to demolish the garage to widen the spaces by eight inches would be a practical difficulty for the owner.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the special exception is GRANTED, and that a variance from Sub-section 7204.1 is GRANTED, subject to the CONDITION that the applicant shall provide four parking spaces in the rear yard, two in the existing garage and two in the open portion of the lot adjacent to the garage.

VOTE: 4-0 (Theodore F. Mariani, Connie Fortune, Leonard L. McCants and William F. McCants to GRANT; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

11 DEC 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.